

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	MB Docket No. 11-54
Amendment of Section 73.622;)	RM - 11624
Table of Allotments;)	
Digital Television Broadcast Stations.)	
(Augusta, Georgia))	

JOINT REPLY COMMENTS IN OPPOSITION

Cavalier Wireless, LLC (“Cavalier”) and Continuum 700 LLC (“Continuum”), by counsel and pursuant to Section 1.420 of the Commission’s rules, hereby submit their Joint Reply Comments in Opposition (“Joint Reply Comments”) to the captioned Petition for Rulemaking (“Petition”), filed by Southeastern Media Holdings, Inc. (“Petitioner”). In support hereof, the following is respectfully shown.

I. BACKGROUND

As set forth in the Joint Comments submitted by Cavalier and Continuum in this proceeding, the subject Petition requests substitution of DTV Channel 31 for DTV Channel 51 at Augusta, Georgia. *Joint Comments, at 2.* And Petitioner’s latest request follows closely prior channel changes, unauthorized construction and financial re-evaluation, all by Petitioner. *Id.*

The public record in this proceeding reflects that four parties submitted comments in response to the Petition and the associated NPRM.¹ They are Cavalier/Continuum; CTIA – the Wireless Association (“CTIA”); Petitioner; and Gray Television Licensee, LLC (“Gray”).

¹ See Notice of Proposed Rulemaking, DA 11-499, in MB Docket No. 11-54, rel. March 16, 2011, (the “NPRM”) and the Bureau’s Erratum of March 21, 2011, providing certain ministerial corrections to the caption of the NPRM.

Petitioner merely repeated what it said in its Petition, only in a more short-form format. *Comments of Petitioner, at 1-3.* Gray offered nothing of relevant substance and largely argued only it would like the latest requested change to be permitted so that it could occupy the channel proposed to be vacated pursuant to the Petition. *Gray Comments, at 2.* In contrast, both CTIA and Cavalier/Continuum explained that grant of the Petition would present serious policy, strategic and legal issues for the Commission.

First, each of CTIA and Cavalier/Continuum properly demonstrated that grant of the Petition would frustrate the furtherance of high quality wireless broadband, as has been urged by the President, the Chairman of the FCC and by the National Broadband Plan. *See CTIA Comments, at 3; Comments of Cavalier/Continuum, at 4.*

Second, each of CTIA and Cavalier/Continuum demonstrated that the pendency of RM 11624 provides an independent reason not to act on the Petition at this time. *See CTIA Comments, at 3; Cavalier/Continuum Comments, at 3-4.* Indeed, it would risk the Commission sending out conflicting direction at a time when more, rather than less, clarity and certainty is needed in order to spur investment in wireless broadband. *Id.*

Lastly, Cavalier/Continuum demonstrated that there are no counterbalancing benefits to be derived from the Commission accepting the above risks. *Cavalier/Continuum Comments, at 4.* This is especially the case given Petitioner's excessive wandering on the issue of its Augusta DTV license allocation. *Id.*

II. CONCLUSION

For all of the above reasons, the Commission should deny the instant Petition. If it elects not to do so, it should hold it in abeyance until it rules in RM - 11626.

Respectfully submitted,

CAVALIER WIRELESS, LLC
CONTINUUM 700 LLC

By: /s/ Thomas Gutierrez

Lukas, Nace, Gutierrez & Sachs, LLP
8300 Greensboro Drive
Suite 1200
McLean, VA 22102
202.828-9470

Its Attorney

May 19, 2011

CERTIFICATE OF SERVICE

I, Donna L. Brown, a Legal Assistant of the law firm Lukas, Nace, Gutierrez & Sachs, LLP, hereby certify that on this 19th day of May, 2011, copies of the foregoing JOINT REPLY COMMENTS IN OPPOSITION were forwarded by e-mail, in pdf format, to the following:

Harry C. Martin, Esq.
Fletcher, Heald & Hildreth, PLC
1300 N. 17th Street, 11th Floor
Arlington, VA 22209
martin@fhhlaw.com

Best Copy and Printing, Inc.
fcc@bcpiweb.com


Donna L. Brown